

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA

ORDER

This matter is before the Court on the Magistrate Judge's Report and Recommendation [DE 30], filed on November 26, 2008, recommending that the decision of the Commissioner be reversed and the case be remanded to the Commissioner for proceedings consistent with the Report and Recommendation.

A judge may refer a dispositive matter to a magistrate judge for a report and recommendation pursuant to 28 U.S.C. § 636(b)(1)(B), Federal Rule of Civil Procedure 72(b), and Northern District of Indiana Local Rule 72.1(d)(1). On May 19, 2008, this Court assigned Magistrate Judge Andrew P. Rodovich to prepare a report and recommendation on the Plaintiff's Complaint [DE 1] and the subsequent briefing by the parties. Pursuant to this assignment, Magistrate Judge Rodovich filed the November 26, 2008, Report and Recommendation [DE 30].

This Court's review of the Magistrate Judge Rodovich's Report and Recommendation is governed by 28 U.S.C. § 636(b)(1)(C), which provides in part:

A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings and recommendations to which objection is made. A judge of the court may accept, reject, or modify, in whole or in part, the findings and recommendations made by the magistrate. The judge may also receive further evidence or recommit the matter to the magistrate with instructions.

28 U.S.C. § 636(b)(1)(C). The statute also requires objections to the Report and Recommendations to be made within ten days of service of a copy of the Report. *Id.*

Because no party has filed any objections to the Magistrate Judge's Report and Recommendation, de novo review is not required. This Court finds that the Report and Recommendation has correctly resolved the issues raised by the parties' briefs. Therefore, the Court accepts in its entirety the Report and Recommendation on the Plaintiff's Complaint and the parties' briefs.

For the foregoing reasons, the Magistrate Judge's Report and Recommendation [DE 24] is ADOPTED. Pursuant to the relief requested in the Plaintiff's Complaint, the Court now REVERSES the Commissioner's decision and REMANDS the case to the Commissioner for further proceedings consistent with the Report and Recommendation. The Clerk will term the case.

SO ORDERED on December 18, 2008.

s/ Theresa L. Springmann
THERESA L. SPRINGMANN
UNITED STATES DISTRICT COURT
FORT WAYNE DIVISION